



5. Plaintiff demanded a jury trial in the state court action.

Grounds for Removal

6. Removal is proper because there is complete diversity between the parties and Plaintiff seeks damages in excess of \$75,000. See 28 U.S.C. §1332(a). Based on Plaintiff's settlement demand letters, Plaintiff is seeking \$464,592.29 in economic damages. See attached Exhibit 'A'.

7. Plaintiff is a corporate entity whose principal place of business is in Pharr, Hidalgo County, Texas. Defendant, Atain Specialty Insurance is a corporation with its principal place of business at 30833 Northwestern Highway, Farmington Hills, Michigan 48334. Defendant, Certain Underwriters at Lloyds, London was served in New York City, New York 10019. Based on information and belief, it does not have any syndicates in Texas and its principal place of business would be either London, England or New York City, New York.

8. Counsel for Co-Defendant, Stephen Bega, has consented to removal, and he has signed this "Notice of Removal."

9. An index of all matters filed herein, as required by local rule 81, is attached as Exhibit "B." Additionally, a copy of all pleadings, process, orders and other filings in the state-court suit are attached to this notice as Exhibit "C."

10. Venue is proper in this district under 28 U.S.C. §1441(a) because the state court where the suit has been pending is located in this district.

11. Defendant is contemporaneously filing a copy of this notice of removal with the clerk of the state court where the suit is pending.

Conclusion

12. Plaintiff and Defendants are residents of different states. Thus, complete diversity exists. Additionally, the amount in controversy exceeds \$75,000.00. For these reasons, Defendant asks the Court to remove the suit to the United States District Court for the Southern District of Texas, McAllen Division.

Respectfully Submitted,

DONATO, MINX, BROWN & POOL, P.C.

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**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing pleading has been forwarded to all the following counsel of record via facsimile, certified mail, return receipt requested and/or hand delivery on this 10<sup>th</sup> day of December, 2015.

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